

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2003-04

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Colleges and
Universities
(AC-CU)**

(Form Updated: 11/20/2008)

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AB 540

December 11, 2003

TO: Colleges and Universities Committee members
FROM: President Katharine Lyall
RE: Executive Session Bills, Dec. 16

Handwritten signature of Katharine Lyall

I am writing to provide an update on some recent Board of Regent action and share the University of Wisconsin System position related to four bills on your executive session calendar December 16th.

AB 366. Credit transfer. As you can see from attachment 1, AB 366, would be unnecessary if amended by Assembly Amendment 1, because it mirrors the resolutions already passed by both the UW System and Wisconsin Technical College System Boards in the last two months. The bill as amended would require that each technical college student enrolled in the UW System be given a list of the technical college credits that are accepted for transfer to the UW System, how they will apply to the student's degree program, and the remaining courses necessary to complete the degree program. For a student transferring from one of the three technical college liberal arts programs, 72 credits will transfer to the UW System and all general education requirements at any UW System institution will be fulfilled. And finally, the UW System would accept for transfer occupational or technical courses taken by a technical college student on a course-by-course basis. The implementation of these initiatives is on track for students entering the UW System the Fall of 2004. We would welcome the opportunity to update the College and Universities committee at any time regarding the progress of implementation of credit transfer initiatives. A non-statutory approach is preferred as it allows both systems flexibility to implement further improvements advantageous to students.

AB 407. Support. Regulates athletic agents. The UW System supports and appreciates Rep. Wiekert's efforts to put teeth into our laws to protect student athletes from unscrupulous agents.

AB 543. Oppose. Expanded notice of public meetings of university departments and subunits. University departments must by law already post notice of meetings that "reasonably apprise interested parties and the news media" of the meeting. University departments and subunits should be treated just as K-12 or Technical College departmental meetings. These meetings relate to curriculum, space and time assignments, student advising, etc. These departmental meetings do not involve decisions to raise tuition or appropriate taxpayer funds. These decisions are made by

Regents already covered by the open meetings laws, just like any local government. Anyone who does have an interest and would like to receive routine notice of departmental meetings can make this request in writing to a departmental chair and receive all notices under current law. The university is interested in providing appropriate notice to all interested parties, while not wasting time or resources, creating inefficiencies or inundating folks with notices of primarily internal and routine operations meetings. There are 540 UW System departments and over 2,500 sub-units that would be covered by additional reporting requirements.

AB 558. Oppose as overly broad. Roll call votes required by Regents on all issues. The Board of Regents passed a resolution (see attachment 2) in October requiring a roll call vote on all compensation matters. As is the case with the legislature, there are many routine and procedural votes where unanimous consent or a voice vote contributes to a more efficient process. As in the case of the legislature, any member can request a roll call vote at any time.

AB 540. Oppose. Additional reporting of faculty income sources. I would also like to take this opportunity to share with you the current university practices related to the reporting of outside income by faculty and academic staff. Attachment 3 is the administrative code, and the implementing form, that is required to be filed by all faculty and staff at least once a year. This is all public record. Faculty and staff must report any income received for professional activities, the name of the organization or business, the type of activity, and whether they received \$5,000 or more from a single source. This reporting avoids conflict of interest situations and assures a Dean, the public, or other administrating officer that the activity is not interfering with university responsibilities. Please don't take action that would jeopardize public private partnerships and put Wisconsin at a competitive disadvantage with other states or private universities, or threaten the legitimate competitive interests of businesses with whom we encourage partnerships for the benefit of state economic development.

Thank you for your consideration of these concerns and please contact me or Margaret Lewis (3-7962) with further questions.

Cc: Board of Regents
Legislative leadership

Unofficial Text (See Printed Volume). Current through date and Register shown on Title Page.

(15) "Unclassified staff" or "staff members" means faculty, academic staff and limited appointees of the university of Wisconsin system who are not subject to subch. III, ch. 19, Stats.

(16) "Vice President" means system administration officials with the title "Vice President" or other administrative officers with similar duties.

History: Cr. Register, June, 1975, No. 234, eff. 7-1-75; r. (1) (f), (i) and (j), renum. (1) (intro.), (1) (a) to (e), (g), and (h) to be (intro.), (4), (14), (13), (16), (5), (8) and (1) and am. (intro.), (5), (8) and (16), cr. (2), (3), (6), (7), (9) to (12) and (15), Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.025 Outside activities and interests; reports. (1) **OUTSIDE ACTIVITIES.** Members of the unclassified staff are free to engage in outside activities, whether or not such activities are remunerative or related to staff members' fields of academic interest or specialization. However, no member of the unclassified staff may engage in an outside activity if it conflicts with his or her public responsibilities to the university of Wisconsin system or the institution at which the unclassified staff member is employed.

(2) **REPORTABLE OUTSIDE ACTIVITIES.** (a) The following outside activities must be reported to a staff member's dean, director or other appropriate administrator:

1. Associations with organizations, as defined in s. UWS 8.02 (3) and (12), related to staff members' fields of academic interest or specialization;

2. Private remunerative relationships between staff members and non-governmental sponsors of university research for which the staff member is a principal investigator; and

3. Remunerative outside activities in a staff member's field of academic interest or specialization, including but not limited to consulting, and whether the staff member earns for such activities \$5,000 or more in a year from a single source.

(b) Each unclassified staff member engaging in outside activities reportable under this section shall annually, on or before April 30, file a report of outside activities with his or her dean, director or other appropriate administrator.

(c) If, during the year, significant changes in a staff member's reportable outside activities occur, the staff member shall immediately inform, in writing, his or her dean, director or other appropriate administrator. This information shall be placed on file with the staff member's annual statement of outside interests.

(3) **INSTITUTIONAL POLICIES.** The unclassified staff members of each institution, with the approval of the chancellor, shall develop policies and procedures which shall, at a minimum, provide:

(a) Standards concerning the use of university facilities and personnel in connection with outside activities;

(b) Standards concerning absence from regular duties for the purpose of engaging in outside activities;

(c) Guidelines identifying types or categories of outside activities which may result in a material conflict of interest; and

(d) For such reports of anticipated outside activities as are necessary to insure compliance with s. UWS 8.04.

(4) **REPORTS PUBLIC.** Information required to be reported under this section shall, unless otherwise privileged by law, be a matter of public record.

Note: This section addresses outside activities. Several explanatory points provide relevant background:

1. The section addresses matters heretofore handled under chs. UWS 7 and 14, which are accordingly repealed. This change in the scope of chs. UWS 8 was made in response to legislative suggestion.

2. The rule recognizes the right of unclassified staff members to engage in outside activities, whether or not the activities are remunerative or related to staff members' fields of academic interest. However, in order to assure that such activities do not conflict with staff members' responsibilities to the university of Wisconsin system, or the institution at which the staff member serves, the rule provides that certain types of activities must be reported to staff members' deans, directors or other appropriate administrators. These reportable outside activities include associations with organizations related to staff members' fields of academic interest or specialization, certain private remunerative relationships between staff members and non-governmental research sponsors, and remunerative outside activities in staff members' fields of academic interest or specialization and whether the staff member earns \$5,000 or more in a year from a single source. The language retains the requirements currently in chs.

UWS 7 and 14 that institutions develop policies to regulate the use of university facilities in connection with outside activities, and adds a similar requirement pertaining to use of personnel. It provides a more explicit requirement for institutional development of standards on absence from university duties, and for reports on outside activities which staff members anticipate they will perform during the academic year.

3. Guidelines and suggestions will be provided to institutions for implementation of the Regent rule. These guidelines would include examples of standards concerning use of university facilities and absence from university duties that might be adopted under s. UWS 8.025 (3) (a) and (b); categories or types of activities which might present a material conflict of interest under s. UWS 8.025 (3) (c); reporting procedures under s. UWS 8.025 (4); and other relevant information.

4. The rule incorporates and codifies the result of litigation between the Madison Capital Times and the UW-Madison. That case, decided in Dane County Circuit Court in the spring of 1983, held that UW-Madison reports of outside activities required under chs. UWS 7 and 14 were records open to public inspection. This section continues the existence of the reporting requirements (s. UWS 8.025 (2)) and declares the public nature of the reports (s. UWS 8.025 (4)), except in those instances where other legal principles establish a privilege for the information contained therein.

5. Section UWS 8.025 (1) indicates that the regents' purpose is not to dictate the financial or topical terms of outside activity but to ensure that it does not present conflicts of interest or time with university duties. (See also Note to s. UWS 8.01 (3)).

6. Forms required under this section for the reporting of outside activities may be obtained from the Office of the Secretary to the Board of Regents, Room 1860 Van Hise Hall, 1220 Linden Drive, Madison, Wisconsin 53706, at no charge.

History: Cr. Register, January, 1986, No. 361, eff. 2-1-86.

UWS 8.03 Standards of conduct. (1) **PERSONAL GAIN FROM UNIVERSITY POSITION.** (a) No member of the unclassified staff may, in a manner contrary to the interests of the university of Wisconsin system, use or attempt to use his or her public position or state property, including property leased by the state, to gain or attempt to gain anything of substantial value for the private benefit of the staff member, his or her immediate family or any organization with which the staff member is associated.

(b) No member of the unclassified staff may solicit or accept from any person or organization anything of value pursuant to an express or implied understanding that his or her conduct of university business would be influenced thereby.

(c) No member of the unclassified staff may intentionally use or disclose confidential university information in any way that could result in the receipt of anything of value for himself or herself, for his or her immediate family or for any other person or organization with which the staff member is associated.

(2) **CONTRACTING AND LEASING.** (a) No member of the unclassified staff, member of his or her immediate family, nor any organization with which an unclassified staff member is associated, may enter into any contract or lease involving payments of \$3,000 or more within a 12 month period, derived in whole or in part from university funds, if the staff member is in a position to approve or influence, in his or her official capacity, the university's decision to enter into the contract or lease.

(b) If the staff member is not in a position to approve or influence the university's decision, the staff member may enter into a contract or lease described in par. (a) if the staff member first makes written disclosure of the nature and extent of any relationship described in par. (a) to the dean, director, or other appropriate administrator and he or she approves. The dean, director or other appropriate administrator shall approve a staff member's interest in a lease or contract unless he or she determines that the staff member's personal interest in the agreement will conflict substantially and materially with the staff member's discharge of his or her university responsibilities.

(c) This subsection does not affect the application of s. 946.13, Stats.

(3) **NEPOTISM.** (a) No member of the unclassified staff may participate, formally or informally, in the decision to hire, retain, grant tenure to, promote or determine the salary of a member of his or her immediate family.

(b) No member of the unclassified staff may, in the supervision or management of another unclassified staff member who is a member of his or her immediate family, give preferential or favored treatment.

(4) **STUDENT RESEARCH PROTECTION.** A member of the unclassified staff shall inform students engaged in research under his or her supervision of any financial interest which the unclassified

AB 540
faculty reporting

University of Wisconsin System

Faculty and Academic Staff Report on Outside Activities and Interests
(as required under Section UWS8.025 Wisconsin Administrative Code)

Name _____ Department/Unit _____

Faculty _____ Academic Staff _____ Percent University Appointment _____

Signature _____

Please read the Guidelines for Reporting Outside Activities on the attachment and fill in the required information below. Completed forms should be forward to your department chair or unit director.

I have read the Guidelines and do not have any remunerative outside activities in my field of interest to report. (If you check this box, forward the signed form to your chair/director.)

A. Remunerative Relationships

I have received net remuneration for professional outside activities in my field of professional interest (e.g., consulting, research, teaching, writing, etc.). List below the name of the organization or business, type of activity (e.g., consulting, teaching, etc.) and the aggregate amount of time spent (days) in the activity, and whether you received \$5000 or more from a single source.

Name of Business* or Organization	Type of Activity	Time Spent (days)	Check if \$5000 or More From a Single Source
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

*If you believe that you should not publicly identify the name of the organization, you must receive approval from your dean, as indicated by the dean's signature below (e.g., if revealing the name would be damaging to the organization's legitimate competitive interests).

I have received compensation from a nongovernmental sponsor of university research, teaching, or training for which I am a principal investigator.

Name of sponsor: _____

B. Offices and Directorships

Identify below any business or other organization related to your field of academic interest or professional specialization for which you or your immediate family served as an officer, director, or trustee. No identification need be made of professional societies, trusts, or charitable, religious, social, community service, or political organizations.

Name of Business/Organization	City and State	Position Held
_____	_____	_____
_____	_____	_____
_____	_____	_____

C. Ownership Interests

List below any business or other organization related to your field in which you or your immediate family individually, or in aggregate, owned or controlled at least 10% of the outstanding equity.

Name of Business/Organization	City and State
_____	_____
_____	_____
_____	_____

I have reviewed the information itemized above:

Signature of Chair/Director _____

Signature of Chair/Director _____